

24 January 2012

DIVORCE AND SOCIAL SECURITY INFORMATION PAPER

1. Purpose: To provide information regarding divorce and social security benefits.
2. If you are divorced, but your marriage lasted 10 years or longer, you can receive benefits on your ex-spouse's record (even if he or she has remarried) if:
 - You are unmarried;
 - You are age 62 or older;
 - Your ex-spouse is entitled to Social Security retirement or disability benefits and
 - The benefit you are entitled to receive based on your own work is less than the benefit you would receive based on your ex-spouse's work.
3. If you remarry, you generally cannot collect benefits on your former spouse's record unless your later marriage ends (whether by death, divorce or annulment). If your ex-spouse has not applied for retirement benefits, but can qualify for them, you can receive benefits on his or her record if you have been divorced for at least two years.
4. Notably, election of a former spouse's benefits under this law does not reduce the entitlements of the former spouse. For more information please visit the social security website: <http://www.socialsecurity.gov/retire2/divspouse.htm>
5. Please visit your Fort Belvoir legal assistance office with any questions regarding this important issue.

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